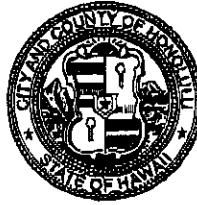


DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU

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February 14, 2007

Via Facsimile Transmission & U.S. Mail

Ian L. Mattoch, Esq.
Emily Kawashima Waters, Esq.
Suite 1835, Pacific Guardian Center
737 Bishop Street
Honolulu, Hawaii 96813
Facsimile No. 531-2652

Re: Estate of Erik Powell, et al. vs. City and County of Honolulu
Civil No. CV04-00428 DAE-LEK

Dear Counsel:

Presently, your office has conducted oral depositions for eight individuals: Clarence Moses, Daniel Neves, Robert Dorr, William Goodwin, Ronald Bregman, James Howe, Ralph Goto, and Ben Lee. You also noticed the depositions of Salvatore Lanzalotti, a Rule 30(b)(6) representative, Vic Maceo, and Jerald Udinsky. In addition, your office has indicated that you wish to depose former Mayor Jeremy Harris and lifeguard Shawn Chun.

First, the City objects to any deposition of former Mayor Harris. There is no indication that he has any direct and/or relevant information pertaining to the facts alleged in your clients' lawsuit.

Second, under Rule 30(a)(2)(A) of the Federal Rules of Civil Procedure, you are only allotted a total of 10 depositions. However, you are intending to depose a total of 14 individuals. Please identify which two individuals you wish to depose other than former Mayor Harris.

We will be temporarily suspending all efforts to coordinate the proposed depositions until we hear from you on this matter.

Ian L. Mattoch, Esq.
Emily Kawashima Waters, Esq.
February 14, 2007
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Also, we understand that Richard Gill, Ph.D will be in Oahu on March 2, 2007. Consequently, we will depose him on that date. A deposition notice will be forthcoming. In addition, we would like to depose Thomas Loudat, Ph.D on either February 27th or 28th. Please advise us if you have a preference as to either of these dates.

As for your remaining experts, Roger Lukas, Ph.D and Susan Liptai, we are awaiting dates and times of their availability.

Thank you for your attention to these matters.

Sincerely,



DEREK T. MAYESHIRO
Deputy Corporation Counsel

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cc: Tom Cook, Esq.